1.0 Call to Order – Pledge of Allegiance
Acting Chairman Tom Harbinson called the October meeting of the Conservation Commission to order at 7:08 pm and the Pledge of Allegiance was recited.

Attendees: Harriet Wilber, Tom Harbinson, Hank Lauriat, Jim Tate, Joe Welsh, Jim Pjura

Not Attending: Terry Jones, Ed McCreery

Guests: Joan Flannery, Sal DeFilippo, Kate Ramunni, Bill Bures

2.0 Approval of Minutes of September 1, 2004
At 7:14 pm Harriet Wilber made a motion to approve the minutes of September 1, 2004; motion seconded by Jim Tate. All in favor; motion passed.

3.0 Public Portion
Sal DeFilippo, 383 River Road re Laurel Heights Condominiums: About 2 years ago the parcel abutting Sal’s business was changed from commercial to residential and condominiums were developed. Sal is now concerned by the conservation easement that was placed on the portion of land which abuts his automobile business. Sal’s business is directly across from the Pagliaro Funeral Home.
The easement remains in the name of the property owner, not the city, and Sal has the following concerns:
1. He asked who will maintain the parcel or enforce the agreement.
2. He feels the easement diminishes the value of his property; he considers it a “spite barrier” so the condo residents do not have to look at his cars.
3. He does support the preservation of open space but this parcel is too small and since the city does not own it, the public will not allowed to access it.
4. Sal’s sightline is restricted by the 5 foot high barrier placed on the easement parcel. The barrier blocks the view down the road and this could impede the view of drivers.
5. The barrier is “fill” and there should be a permit for fill.
6. The foliage is over-grown, it inhibits visibility, and is unsightly.
7. He asked if there any warrantees that this commission would render and under and by what law.
8. What do the easements accomplish; as he sees it, they only enable the developers to get higher density.
9. The purpose of the easement is to provide an area for wildlife but there is no way wildlife can benefit from this easement.

Jim Tate summarized Sal’s concerns into three issues:
1. The maintenance of the easement and the character/purpose of the easement.
2. The unsightly natural vegetation and the function of this vegetation?
3. The blockage of his sightline by the barrier.

Our response to Sal is that this is a PZC issue. Rick Schultz is the agent of the city who can explain his rights as an adjacent property owner and what the approval entailed regarding the barrier, and discuss his concerns about the sightline, traffic, or anything that might affect the use of his property or the function of his business.

This commission does recommend to PZC the use of a conservation easement as a tool to preserve the natural open space area without buying it directly. This is private property to be left in its natural state. It can be managed but is generally left in its natural state; it is really a ‘buffer strip’ and the private property owner cannot dramatically alter its existing character. If the city owned this strip then the public would have access to a narrow strip between two property owners and that could cause more problems. Therefore, the easement affords a natural buffer to protect the owners of the adjoining properties.

A conservation easement is a legal vehicle. The private property owner should maintain it, pick up trash and remove anything that is unsightly. Under the
terms of the conservation easement, if there is an inappropriate use of the easement, it should be brought to the attention of the city to take action.

Sal felt the parcel represented an ‘eyesore’ with only junk trees dripping sap on his cars. He wanted to know what we can do about this.

Jimmy Pjura visited the parcel. He described it as having vegetation that does impair the sightline; there are several swamp maple trees with ground vegetation.

Sal admitted that there is no real change to that strip and its relation to his property since the development of the condominiums. In his opinion, the city changed the zone and now the city should be responsible for that strip.

Jim Tate stated that Conservation may write a letter stating that if there are trees that affect Sal’s sightline within this easement area, the Conservation agent could oversee that those trees within the city’s right-of-way are removed. Note: we have no authority as a public entity to go on private property to remove the trees in one easement.

Sal left a copy of the conservation easement for this property with Jimmy Pjura for review and consideration. It was explained that Conservation had not been involved with this development and in all issues we are only advisory to the PZC. Our purview would only be if the condition of the land were altered dramatically.

Royce York, Eagle Scout Project
No report; the scout was not present.

Joan Flannery, 8 Partridge Lane
In the easement for the Wellspring Estates on Old Stratford Road the developer has taken down too many trees and cleared the parcel. It was originally cleared correctly but now they have cleared the whole parcel.

Jimmy Pjura will review the record maps and visit the site, and this commission will take the appropriate action.

For the record, Harriet noted that in September there was a ‘stop work’ order put on this subdivision mostly due to erosion violations.

Kate Ramunni, Connecticut Post
Kate came to hear the discussion regarding our walk on Mayor Lauretti’s property located on the river. However, our walk was cancelled due to a lack of members being able to attend and because we had not yet received any plans.
At 7:42 pm Harriet made a **motion** to move into **Executive Session** to discuss Quality of Life/possible land purchases. Motion seconded by Hank Lauriat and the tape machine was turned off.

At 7:58 pm Hank Lauriat made a **motion** to come out of **Executive Session** and return to regular session. Motion seconded by Joe Welsh; all in favor and the meeting resumed.

4.0 **Report of Jim Ryan – Enterprise and Commerce Park**

No report; Jim Ryan not present.

5.0 **Subdivisions**

**The Vistas at White Hills, East Village Road/Wabuda Place**

There will be a tech session tomorrow (Thursday) at 12:00 p.m.

Tom presented the latest drawings for this subdivision which include alterations to the road layout and the open space. The Wabuda Place Road now extends out to the intersection leg of East Village and Maple Avenue near Joe Wabuda’s house. The open space, formerly located by French’s Hill bordering the entrance to the property on East Village, and the strip between Lots 31 and 29 and the strip between 25, 26, and Lots 21 through 24 and continuing southward, which made a link to the Land Trust property, has been eliminated. As open space Lots 1 and 2 buffers the open space plus provide links to the other open space over to the south for a trail system. If there is no linkage, what is the value of the open space? Sachem Road no longer extends to East Village; it ends as a cul-de-sac with 4.54 acres of qualified open space at the end. Six acres (2.4 acres qualified) are located behind Lots 14 thru 16. Previously this land remained with the Wabuda’s. The Wabuda’s now only own 11.1 acres.

Some of the qualified open space acreage of the steep area behind Lots 14 through 16 is not contiguous but is situated as thin strips amongst steep slopes. Hiking this area would require a skilled athlete.

The quantity of open space in the whole subdivision is the minimum amount.

This commission had requested the preservation of the “pentway” which is a dirt road connection bordered by stone walls as a key interest point. This request has been disregarded and lots have been located at this site further eliminating a way to access open space.

For years, the city has indicated that the Wabuda property should be purchased as open space and is considered significant to be acquired through the Quality of Life program as it is a great natural resource. This commission voted unanimously to purchase the land yet tonight we are reviewing another plan for
its development. We wonder when the decision was made not to purchase this parcel for open space.

If the Wabuda farm is developed, a major goal for PZC is to connect Village Road, which has over 100 homes on it and which now has no outlet, to East Village Road.

At 8:03 p.m. Harriet Wilber made a **motion** to go into **Executive Session** to discuss land purchases. Motion seconded by Hank Lauriat; all in favor. The machine was turned off.

At 8:32 p.m. Jim Tate made a **motion** to come out of **Executive Session** and continue the meeting. Motion seconded by Hank Lauriat; all in favor and the machine was turned on.

It was decided to send a letter to the Board of Aldermen and other land use boards explaining this commission’s position relative to this subdivision. Specifically, our concerns are as follows:

In the original proposal Lots 1 and 2 were to remain open space to create a substantial natural buffer to French’s Hill. Now Lots 1 and 2 have been developed thereby eliminating the buffer. Also, a connection from French’s Hill to Sachem Drive, linking a north-south cross-connection from French’s Hill to Sachem Drive or Sagamore Road, and then further to the far south where the Land Trust parcel is located, has been eliminated.

Another concern of the Conservation Commission is the preservation of the ‘pentway system’ which is certainly a key site feature on this property. It was the understanding that with changes to the Wabuda Place road connection to East Village that there would be some accommodation to preserve this pentway design that occurs through the property. Regrettably, now in the proposal this has been aborted and replaced with Lots 9 and 8. Also it was planned that open space in lots 8, 22 and 26 would have provided a terrific east-west cross trail connection to Sachem Drive as well as to any future open space acquired from the CL&P right-of-way or open space dedication resulting from the possible development of the Resnick parcel.

We do not feel that land to the south of Lots 14, 15, and 16 is viable open space particularly as it is very, very steep and unusable. Our recommendation is that the open space should be located to buffer French’s Hill, starting with Lot 1.

Further concern is that there is no apparent easement or connection to the dedicated open space which fronts East Village Road. It would make sense that because French’s Farm abuts the open space, there will be a right-of-way to allow access to Sachem Drive.
It is the opinion of the Conservation Commission, acting in the best interests of the public, that the city exercise the right of purchase of the Wabuda property. The Wabuda farm had a high priority; it ranked as one of the top three parcels in 2001 for purchase identified in the Quality of Life analysis. The Conservation Commission recommended the Board of Aldermen to purchase this parcel in January 2004. We made considerable effort in public presentations and to the various commissions with regard to this purchase.

If the Wabuda Farm is developed, the value of open space on this parcel in a development scenario is critical because of the considerable investment that the City made for French’s Hill. Any opportunities that we can get to have abutting open space, or linkages to that open space, is critical to the future of the city of Shelton. In the latest plan of development of this farm clearly this value has been minimized.

*A letter reflecting this conversation will be sent to PZC and the Board of Aldermen.*

**550 River Road**
This property is located at the bottom of Constitution Boulevard and is the property the Mayor has just purchased. The scheduled walk this commission was to take was cancelled. No further discussion.

### 6.0 Communications (received)
- The tenth round of open space grants was available as of September 24. The information is on the internet.
- Stop work orders from PZC have been issued for Wellspring Estates, Butler Commercial Services on Bridgeport Avenue, Split Rock Development, and James Botti’s Crown Pointe Center - Phase III.
- College of Agriculture and Research Journal
- Trust for Public Land announcement of its help to purchase land in Monroe
- HVA’s Good News Journal
- The Habitat
- Nature Conservancy Brochure

### 7.0 Report of Conservation Agent – Jimmy Pjura
Attached is Jimmy’s report on his activities and accomplishments for the last month.

In a recent report Rick Schultz indicated that there are no new subdivisions in need of open space signs. In an effort to verify this statement, it was determined that Jimmy would copy the list of subdivisions from the wall in Room 303 and then visit each site to determine if they have all been properly signed and report the results next month.

### 8.0 Trails Committee – Bill Dyer
The storage shed for the trails’ equipment has been put up. It is a very good looking, nice, neat, clean and secure structure located behind the EMS building on Meadow Avenue. The gator and other equipment will be stored there. Bill will investigate the source of funding used to purchase this shed.

The Trails Committee and the EMS can use the gator. It can be used to service high school sports events and other city events should an emergency occur out of reach of the normal rescue vehicles.

The Trails Committee met with Leslie Lewis from the DEP who is very impressed with Shelton’s progress in preserving land and establishing trail systems.

They have submitted the $49,000 grant for the bridge over the dam and the railing.

The committee walked the Spinelli property and are concerned about the way the property abuts the stream. It would appear that the developer is going to plow right up next to the stream which would destabilize the area. Regarding the site lines, the committee feels No. 4 lot is sufficiently far back from the line but the southern border too close to the Turkey Trot Trail. It is recommended that a conservation easement, or maybe a change of the lot line to allow a 50’ buffer, would be the solution.

The committee met with the Mayor and walked the Pine Lake to Meadow Street section of the Recreation Trail. The city will provide the equipment and millings to complete that section and Bob Wilkins will be the ‘clerk of the works’. Terry Gallagher has agreed to have a detailed plan by November 1st including the location of the drainage, etc. There will be staff available (who are not mowing fields, etc.) to do this work in the late November-December time frame. Before this work commences, the committee will remove about six trees that are leaning over the work area.

The committee is developing a list of the ‘top ten’ scout projects and will put it on the Trails’ website. There are two scout projects in progress:

Adam Cedri is creating an entrance kiosk at the bridge and Royce York is working on a kiosk at Nells Rock.

An Oak Valley resident (No. 67, Ralph DeSanti) wrote a letter regarding hikers coming in his yard and asking him for directions on the trail. It needs to be determined if the trails are sufficiently marked. After contacting Ralph and discussing the issue, he agreed to be a Landkeeper and monitor that section of open space.

On October 23rd the committee will meet at Huntington Wood to plan the layout of the trail.
9.0 November Referendum – Terry Jones

Terry was not present but the committee discussed letter writing in support of the referendum. This commission cannot be political but there is the need to write in support, either as a group or individually, of the referendum. The public needs to be assured that if the city were to bond for the millions of dollars needed to buy open space through the referendum, that we have a clear process in place that follows a long-lived plan to achieve our goal. The referendum focuses on specific parcels that we would like to purchase that have been strongly recommended recently as key parcels that would benefit all of Shelton.

Can this commission send out a mailing giving actual information prior to the referendum? Can we expend money for this activity and how much would it cost? It was recommended that we make sure this commission can publish a letter, develop the letter and then be prepared to go with it. This would have to be done within the next 2 weeks. There would be at least 28,000 Shelton addresses; this would be similar to the mailing used for the purchase of Shelton Lakes. The various forms of dissemination were discussed: a letter, a post card, or an insert in the Connecticut Post (Valley Edition) or the Huntington Herald. We need to find out if we can use a mail service. Jim Ryan may be able to advise us.

The decision to maintain the ‘slab’ as open space is a question on the referendum. Possibly a ‘tag line’ would precede the text stating: “The Conservation Commission would like to clarify that the following open space referendum question should be voted YES. Please vote yes for the referendum. The Conservation Commission would like to notify you of the following facts” … list 3 or 4 different facts. One fact might be: A small percentage of open space may be used for city services. Then list the parcels and say these properties have been mapped and ranked for some time and end with “we feel this would make for a better quality of life in Shelton.”

Tom Harbinson agreed to look into this matter.

At 9:09 pm Tom Harbinson made a motion that the Conservation Commission write a letter to all city voters in support of the upcoming November referendum question regarding open space bonding and the verbiage of that letter be put together and e-mailed to all commissioners for review and approval. Jim Tate seconded the motion. All in favor; motion approved.

10.0 PUAC (Plan Update Advisory Committee) – Jim Tate, Tom Harbinson

The public informational workshop on development was held recently and some important facts were presented. It was unfortunate that the turnout was so
poor, only about 25 people attended. In the interim the Board of Education presented its Long Range Plan and the work continues. All are encouraged to attend future workshops and letters are solicited. ‘Infrastructure’ is the next subject.

11.0 Water Management Program Report – Harriet Wilber
Rich Schultz presented Harriet with two large books that he and the engineer put together on Storm Water Management. He would like our support. Tom Harbinson took a copy to review and will then pass it on to Jim Tate; Joe Welsh took a copy to review and will then pass it on to Harriet.

12.0 Ordinance for Conservation Easement Violations – Ed McCreery
Ed was not present at this meeting; the subject will be discussed next month.

13.0 Southbank – Jimmy Pjura, Harriet Wilber
Harriet received drawings by Randy Szkola re how he would suggest that this parcel be landscaped but she was not sure why Randy had done this or why we got it. Jimmy recalled a meeting with John Anglace where the suggestion was made to clean up the facility but he felt it was nothing specific. Harriet will contact Randy and this subject will be discussed next month.

14.0 Open Space Inventory – Jim Tate
Jim has printed and issued 51 copies of this report; 20 copies went to the Board of Aldermen, all Conservation members received a copy, and the extra copies are in Jim’s office.

15.0 Quality of Life – Possible Executive Session – Terry Jones
This subject was covered earlier in the meeting.

16.0 Personnel Issues – Possible Executive Session – Ed McCreery
Ed was not present; this subject will be covered at the next meeting. Harriet was told that Sandy and the Mayor did talk about a full time person for this commission and will advertise this position after a month’s time. Also, Jimmy Pjura was given a 10% raise; we will suggest it be retroactive to the last meeting.

At 9:15 pm Harriet made a motion to add to the agenda: Request of the city to sell Lot 50 on Map 11B, Pine Rock Park. Joe Welsh seconded the motion. All in favor; motion passed.

The commission searched to locate this lot on a map. The incorrect street was listed; the correct street is Kanungum Trail. The parcel was acquired for back taxes. Tom reviewed the paperwork accompanying this request and noted that

the engineer approved the sale, it meets current standards, and the engineer recommends the sale to the abutting property owner (No. 8 Wenonah Trail) with
a deed restriction that it cannot be developed for a single family home but used only for accessory structures.

At 9:25 pm Harriet Wilber made a motion to recommend the sale of Lot 50 on Map 11B, Pine Rock Park, in accordance with the terms of the letter written by Bob Kulacz, City Engineer, dated 9/15/04 re City Property on Kanungum Trail, Assessors Map 11B – Lot 50, Pine Rock Park Lots 44-46. As suggested by Mr. Kulacz, a deed restriction or covenant should be put on record that the lot cannot be developed as a single family home. The only structures permitted are an accessory building such as a shed or garage. Motion seconded by Joe Welsh. All in favor; motion passed.

At 9:30 pm Harriet Wilber made a motion to write a letter to PZC stating that Sal DeFlippo attended this meeting and expressed his concerns re the conservation easement from Laurel Heights Condominiums which may be impeding his site line. We are forwarding this letter to you and have no objections to trees being removed to improve this site line. Motion seconded by Jim Tate. All in favor; motion passed.

17.0 Comments by Members
No report.

At 9:35 pm Jim Tate made a motion to adjourn. Motion seconded by Joe Welsh. All in favor; motion passed and the meeting ended.

Minutes prepared by: Marybeth Banks